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December 23, 2004

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

**FILED**

**DEC 28 2004**

Re: NII COMMUNICATIONS, LTD.

**Missouri Public  
Service Commission**

Dear Judge Roberts:

Please find enclosed for filing in the referenced matter the original and five copies of an Application for a Certificate of Service Authority to Provide Basic Local Exchange, Non-Switched Local Exchange and Interexchange Telecommunications Services and for Competitive Classification.

I also enclose the original and five copies of a Motion for Protective Order. Attached as Appendix C to the Application are the financial statements of nii communications, Ltd. The financial statements are considered highly confidential and are being filed under seal.

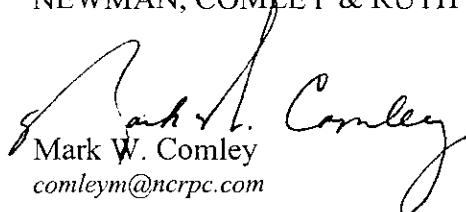
Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley  
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel  
General Counsel's Office  
Jenniffer McBrien

**BEFORE THE PUBLIC SERVICE COMMISSION OF THE  
STATE OF MISSOURI**

In the Matter of the Application of )  
NII COMMUNICATIONS, LTD. )  
for a Certificate of Service Authority )  
to Provide Basic Local Exchange, )  
Non-Switched Local Exchange and )  
Interexchange Telecommunications Service )  
In the State of Missouri and to Classify said )  
Services and the Company as Competitive )

Case No. \_\_\_\_\_

**FILED**

**DEC 23 2004**

**Missouri Public  
Service Commission**

**MOTION FOR PROTECTIVE ORDER**

COMES NOW nii communications, LTD. (“nii” or “the Company”) and hereby moves the Missouri Public Service Commission, by its undersigned counsel and pursuant to 4 CSR 240-2.085, to issue a Protective Order covering the attached financial information which is submitted under seal in the above captioned matter. Concurrently with this filing, nii has filed an Application with the Commission for a Certificate of Service Authority to Provide Basic Local Exchange, Non-Switched Local Exchange and Interexchange Services and for Competitive Classification (“Application”).

In connection with that Application, nii is providing (as Appendix C to the Application) confidential financial statements in order to demonstrate that nii has the financial resources necessary to provide basic local telecommunications service in the State of Missouri. In support of this motion, nii states as follows:

1. nii intends to provide telecommunications services that are highly competitive.
2. In support of its Application, nii is providing confidential financial statements.

3. The financial statements submitted as Appendix C to its Application are not generally available to the public. Further, none of the financial information provided in the financial statements can be found in any format in any other public document.

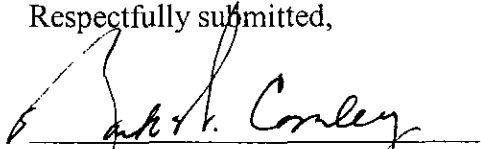
4. nii considers and treats these financial statements as confidential, proprietary and non-public commercial information.

5. Disclosure of the financial statements would be extremely detrimental and could be used by nii's competitors to gain a competitive advantage in the marketplace. Moreover, competitors at any level possessing such information would find it of great economic value in devising their own business plans and, in many cases, could use such information to structure their plans in such a way as to undercut or materially affect nii's competitive positions.

6. Due to the sensitive nature of the information, the potential harm from disclosure of the financial information outweighs the public's interest in disclosure of the information.

WHEREFORE, nii communications, LTD. respectfully requests that the Missouri Public Service Commission grant it a Protective Order permitting nii to file the attached financial statements under seal.

Respectfully submitted,

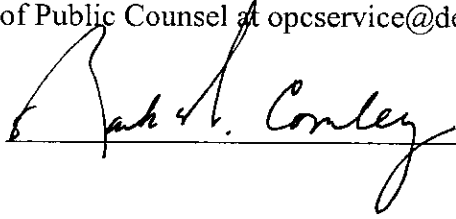


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ATTORNEY FOR APPLICANT

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 23rd day of December, 2004, to General Counsel's Office at [gencounsel@psc.state.mo.us](mailto:gencounsel@psc.state.mo.us); Office of Public Counsel at [opcservice@ded.state.mo.us](mailto:opcservice@ded.state.mo.us).

  
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